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This is intended as a full and complete response to the final Office Action mailed May 8, 2007. By this response, Applicant has amended claim 2 to further clarify Applicant's invention. No new matter has been added.

In view of the both the amendments and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicant believes that all of the claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

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Rejections35 U.S.C. §102 Rejection of Claims 2-5

The Examiner has rejected Claims 2-5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,463,599 to Yifrach et al. ("Yifrach"). Applicant respectfully traverses the rejection.

Claim 2 has been amended to further clarify Applicant's invention by reciting that the audio signal is stored as a plurality of segments "in a storage device, wherein the plurality of segments reside simultaneously in the storage device." This is fully supported by the original specification, e.g., at least in Fig. 3 and related discussions. As such, no new matter has been added.

Applicant disagrees with Examiner's position (Office Action, p.2, the last 7 lines) that Yifrach teaches, in col. 3, lines 14-16, that the cyclic storage device 22 stores the audio signals from the demodulator 13 "as a sequence of overlapping 60-second segments," or that Yifrach's replaying of the previously broadcast 60 seconds of information is analogous to Applicant's features of identifying, reading, manipulating and outputting, as recited in Applicant's claim 2.

Specifically, Yifrach only teaches the continuous storage of an audio signal corresponding to a predetermined time interval, e.g., 60-second interval, in the cyclic storage device. However, there is no teaching in Yifrach that any of the 60-second intervals of audio signal is stored as a plurality of segments. Furthermore, there is no teaching that any particular segment or portion of each 60-second audio signal can be subjected to being identified by an audio manipulation signal, being read, manipulated and outputted, as provided in the respective steps recited in Applicant's claim 2:

"automatically identifying at least one segment of the stored audio signal responsive to the audio manipulation signal; reading the at least one segment of the stored audio signal; manipulating the at least one segment of the audio signal responsive to receipt of the audio manipulation signal; and outputting the manipulated audio signal."

Instead, as taught by Yifrach, each of the replay, delayed listening, or the freeze function cited in the Office Action as analogous to Applicants' claimed features, operates on the entire 60-second signal itself. There is no teaching in Yifrach of dividing the 60-second of stored signal into a plurality of segments, with each segment being able to be identified, read, manipulated and outputted.

Furthermore, even if one were to interpret, as the Office Action apparently did, that each 60-second interval of audio signal in Yifrach corresponds to a "segment" of an audio signal, then it is clear that Yifrach's cyclic storage device only stores one segment (i.e., the entire 60-second segment) at any one time.

Unlike Applicant's claim 2, the "plurality of segments" of Yifrach's audio signal -- to the extent that they exist as such in Yifrach, do not reside simultaneously in the storage device. Instead, Yifrach teaches only a continuous storage of these 60-second intervals of signal in the cyclic storage device, i.e., each 60-second interval of stored signal is being replaced on a continuous basis by signals outputted from the demodulator (e.g., col. 3, lines 13-16; lines 60-63).

As such, Applicant submits that Yifrach does not teach: "storing the audio signal as a plurality of segments in a storage device, wherein the plurality of segments reside simultaneously in the storage device", as provided in claim 2. Thus, claim 2 is not anticipated by Yifrach and is patentable under 35 U.S.C. §102.

Furthermore, claims 3-5 depend directly from independent claim 2, while adding additional elements. For at least the same reasons discussed above, these dependent claims are also not anticipated by Yifrach and are patentable under 35 U.S.C. §102.

Therefore, Applicant respectfully requests that the rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 6 and 45

Examiner has rejected claims 6 and 45 under 35 U.S.C. §103(a) as being unpatentable over Yifrach in view of U.S. Patent No. 5,946,050 to Wolff ("Wolff"). Applicant respectfully traverses the rejection.

As set forth above, independent claim 2 is patentable over Yifrach. Since there is no argument put forth in the Office Action that Wolff provides those features in claim 2 that are missing in Yifrach, Applicant submits that claim 2 is also patentable over Yifrach and Wolff.

Claims 6 and 45 depend, either directly or indirectly, from independent claim 2. For at least the same reasons set forth above, claims 6 and 45 are also patentable over Yifrach and Wolff.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicant submits that all of the claims presently in the application are allowable. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 7/6/07

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